IN THE HIGH COURT OF JUDICATURE
FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.6495/2007.

J.D.A., Jaipur
Vs.
Shri Sadhu Ram and anr.

Date of order : 13/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Arun Sharma for the petitioner.

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BY THE COURT:-

Heard learned counsel for the petitioner.

2) The petitioner-JDA has challenged the order passed by the JDA Appellate Tribunal dated 26/7/2004. The Tribunal by that order has allowed the application of the respondent No.1 Sadhu Ram and has directed that he shall not be displaced from the disputed property i.e. Plot No.557 situated at Rishi Galav Nagar, Jaipur.

3) Learned counsel for the petitioner has argued that the document which was produced by the respondents and relied on by the Tribunal were not proved by the respondent inasmuch as, if at all it

is accepted that the respondent was earlier displaced by Survey No.27/4052 from Vaidhpuri Kachi Basti, Jaipur of the plot measuring 30.83 sq.yards, that area having now been entrusted to the Jaipur Nagar Nigam, it would be for the Nagar Nigam to displace him and not the JDA.

4) Having heard learned counsel for the petitioner and perused the impugned-order as also the other documents forming part of the record, I find that the Tribunal was pursuaded to take the view which it did on the basis of the letter of Survey No.27/4052 according to which, the petitioner was earlier in possession of the land measuring 30.83 sq.yards situated in Vaidhpuri Kachi Basti, Jaipur and the letter of dispossession which was duly signed by not only the representatives of the Kachi Basti but also by the Enforcement Officer and Junior Engineer of J.D.A. The Tribunal also took into consideration the application of the respondent No.1 dated 31/3/1982 for regularization of that possession and also receipt dated 5/5/1982 for receiving regularization charges of that possession as also the report of the Commissioner. The Tribunal

also took in consideration the documents tendered by the respondent No.1 that he was in possession of the land in dispute since 1989. That apart, the appointed Court Commissioner in his report proved possession of the respondent No.1. It was on that basis that the learned Tribunal had passed the impugned order which in my considered view is quite justified in the facts of the case. Merely because the land in question has been transferred for the care of Jaipur Nagar Nigam, JDA is not absolved of its responsibility to rehabilitate the respondent No.1 who was dispossessed from the earlier Kachi Basti on its assurance.

5) I do not find any merit in this writ petition.

The writ petition is accordingly dismissed.

(MOHAMMAD RAFIQ), J.

anil/-